

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of Qwest Corporation for Forbearance)	WC Docket No. 09-135
Pursuant to 47 U.S.C. § 160(c) in the Phoenix,)	
Arizona Metropolitan Statistical Area)	

ORDER

Adopted: September 18, 2009**Released: September 18, 2009****Revised Reply Comment Date: October 21, 2009**

By the Deputy Bureau Chief, Wireline Competition Bureau:

1. On March 24, 2009, Qwest Corporation (Qwest) filed a petition pursuant to section 10 of the Communications Act of 1934, as amended (the Act), requesting that the Commission forbear from applying to Qwest certain obligations in the Phoenix-Mesa-Scottsdale Metropolitan Statistical Area (Phoenix MSA).¹ On July 29, 2009, the Wireline Competition Bureau (Bureau) released a public notice seeking comment on the Qwest Phoenix MSA Petition.² On August 20, 2009, in the interest of allowing all interested parties additional time to consider the recent D.C. Circuit remands of the *Verizon 6 MSA Forbearance Order*³ and the *Qwest 4 MSA Forbearance Order*⁴ (together, the remands), the Bureau extended the comment and reply comment due dates in this proceeding to match those in the remanded proceedings.⁵ The current deadline for filing comments on the Qwest Phoenix MSA Petition is

¹ Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix, Arizona Metropolitan Statistical Area, WC Docket No. 09-135 (filed Mar. 24, 2009) (Qwest Phoenix MSA Petition).

² See *Pleading Cycle Established for Comments on Qwest Corporation's Petition For Forbearance in the Phoenix, Arizona Metropolitan Statistical Area*, WC Docket No. 09-135, Public Notice, DA 09-1653 (rel. July 29, 2009) (*Qwest Phoenix MSA First Public Notice*) (requesting comments by August 28, 2009 and reply comments by September 28, 2009).

³ *Petitions of Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Areas, Inc.*, WC Docket No. 06-172, Memorandum Opinion and Order, 22 FCC Rcd 21293 (2007) (*Verizon 6 MSA Forbearance Order*), remanded, *Verizon Tel. Cos. v. FCC*, No. 08-1012, slip. op. (D.C. Cir. June 19, 2009).

⁴ *Petitions of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Denver, Minneapolis-St. Paul, Phoenix, and Seattle Metropolitan Statistical Areas*, WC Docket No. 07-97, Memorandum Opinion and Order, 23 FCC Rcd 11729 (2008) (*Qwest 4 MSA Forbearance Order*), remanded, *Qwest Corp. v. FCC*, No. 08-1257 (D.C. Cir. Aug. 5, 2009).

⁵ See *Wireline Competition Bureau Extends Comment Due Dates on Qwest Corporation's Petition for Forbearance in the Phoenix, Arizona Metropolitan Statistical Area*, WC Docket No. 09-135, Public Notice, DA 09-1836 (rel. Aug. 20, 2009); *Wireline Competition Bureau Seeks Comment on Remands of Verizon 6 MSA Forbearance Order and Qwest 4 MSA Forbearance Order*, WC Docket Nos. 06-172, 07-97, Public Notice, DA 09-1835 (rel. Aug. 20, 2009) (both requesting comments by September 21, 2009 and reply comments by October 6, 2009).

September 21, 2009 and the deadline for filing replies is October 6, 2009.

2. On September 3, 2009, Qwest filed a request, pursuant to section 1.46 of the Commission's rules, asking the Commission to extend the reply comment deadline from October 6, 2009 to October 21, 2009.⁶ Qwest makes this request "to allow parties sufficient time to address the complex set of legal and economic issues likely to be raised in the initial comments."⁷ Qwest states that "parties would need at least a month to provide reply comments when the issue of the impact of the remands is factored in"⁸ and this additional time "will accord the parties sufficient time to evaluate and process the initial comments."⁹

3. On September 14, 2009, the Arizona Corporation Commission (Arizona Commission) requested that the deadline for comments be extended to October 26, 2009, and the deadline for reply comments be extended to December 3, 2009.¹⁰ The Arizona Commission claims that it will be difficult to provide meaningful comment on the Qwest Phoenix MSA Petition until the issues raised in the remand of the *Qwest 4 MSA Forbearance Order* are resolved, that filing comments in both of these proceedings on the same date is "impossible given the current workload of the Arizona Commission Staff," and that the Arizona Commission "has not received all of the information that it needs to complete its analysis."¹¹

4. Although requests for extensions of time are not routinely granted, we do occasionally grant limited extensions of time when we find that the public interest would be served by doing so.¹² In this case, we believe that extending the reply comment date from October 6, 2009, to October 21, 2009, is in the public interest. As Qwest notes, the Bureau initially had provided a full month between the comment and reply comment deadlines in this proceeding.¹³ By granting Qwest's request, parties again will have a full month from the comment deadline to submit replies in this proceeding. We find that extending the reply comment deadline will give parties additional time to collect information, to consider the impact of the remands, and generally should result in a more complete and well-developed record. Although the Arizona Commission seeks a longer extension, including additional time to file initial comments, we currently believe the deadlines as revised by this order are appropriate. Nevertheless, on our own motion, we also have extended the reply comment deadlines in the remands of the *Qwest 4 MSA Forbearance Order* and *Verizon 6 MSA Forbearance Order*.¹⁴ Those proceedings and the present proceeding all raise similar issues. We hope that by keeping these comment cycles on the same schedule,

⁶ Qwest Corporation, Request for Extension of Time to File Reply Comments on Qwest Corporation's Petition for Forbearance, WC Docket No. 09-135 at 1-2 (filed Sept. 3, 2009) (Qwest Request).

⁷ *Id.* at 1.

⁸ *Id.* at 3.

⁹ *Id.*

¹⁰ Arizona Corporation Commission, Request for Extension of Time to File Comments and Reply Comments on Qwest's Second Petition for Forbearance, WC Docket Nos. 09-135, 07-97 at 3 (filed Sept. 14, 2009).

¹¹ *Id.* at 2.

¹² See 47 C.F.R. § 1.46(a).

¹³ See Qwest Request at 3; see also *supra* note 2.

¹⁴ See *Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Areas; Petitions of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Denver, Minneapolis-St. Paul, Phoenix, and Seattle Metropolitan Statistical Areas*, WC Docket Nos. 06-172, 07-97, Order, DA 09-2083 (WCB rel. Sept. 18, 2009).

we will minimize the burdens of commenters participating in more than one of these proceedings. Parties therefore have until October 21, 2009 to file reply comments in this docket. All other filing requirements set forth in the Public Notice establishing the initial pleading cycle remain in effect.¹⁵

5. Accordingly, IT IS ORDERED that, pursuant to sections 4(i), 4(j), and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 155(c), section 1.46 of the Commission's rules, 47 C.F.R. § 1.46, and pursuant to the authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, reply comments in this proceeding shall be filed on or before October 21, 2009.

6. IT IS FURTHER ORDERED that the Motion for Extension of Time filed by Qwest Corporation IS GRANTED, as set forth herein.

7. IT IS FURTHER ORDERED that the Motion for Extension of Time filed by the Arizona Corporation Commission IS DENIED, in part, as set forth herein.

FEDERAL COMMUNICATIONS COMMISSION

Julie A. Veach
Deputy Bureau Chief
Wireline Competition Bureau

¹⁵ See *Qwest Phoenix MSA First Public Notice* at 2-4. By extending the time for replies, we do not prejudice any issues raised in the pending Motion for Summary Denial. See *Broadview Networks, Inc. et al.*, Motion for Summary Denial, WC Docket No. 09-135 (filed Aug. 25, 2009).